

Exhibit 3

Charles O. Buckalew

Consulting Engineering Services, Inc.

801 S. Ocean Drive, Suite 201

Hollywood, Florida 33019

Phone (954) Mobile: 558-1189

Fax: 926-7810

January 28, 2013

Up-Dated March 13, 2013

Ms. Christy Dominguez
Planning and Zoning Department
City of Hallandale Beach
400 South Federal Highway
Hallandale Beach, Florida 33009

**RE: Upperdeck Restaurant
@ 906 East Hallandale Beach Boulevard
Request for a Variance for CCB Zoning District
Number of Parking Spaces, and Side Setback for Landscaping Buffer
Justification Letter for Variance
Project No. 13-101**

Dear Ms. Dominguez,

This Upperdeck Restaurant is proposing an addition to the existing Commercial Building for additional outside dining. This variance is for two items. Number of parking spaces, and side setback for landscaping buffer on the west side of the building.

The justification for the variance is as follows:

Justification

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not generally applicable to other lands, structures, or buildings in the same zoning district.

The existing commercial building basically adding an additional outside dining area addition. to the east side of the site. The number of parking spaces is based on the seating capacity of the facility. The facility when addition is completed 244 seats which requires one space for every four seats, for a total of sixty-one (61) parking spaces. The facility will have fifty-two (52) parking spaces on-site, but also has a cross parking agreement for an additional 120 parking spaces with the existing shopping center to the west for evening parking after the shopping center is basically closed. The reduction is for only nine (9) parking spaces. The existing landscape buffer is presently five (5) feet but based on a two way traffic lane will be reduced to a two (2) foot landscape buffer. The existing shopping center to the west already has a five (5) foot landscape buffer, so the difference between the ten (10) foot combined buffer will be reduced to a seven (7)

**Variance Parking Reduction, and
Side Landscaped Buffer
906 East Hallandale Beach Boulevard
Page 2**

foot buffer. There is a four foot landscaped area on the west side of the building but an exit door exists for addition exit from the building and we do not wish to reduce this area.

The commercial district and the surrounding property owner's needs will not be adversely affected by this buffer reduction or parking reduction. The parking reduction will not adversely affect the surrounding area due to the cross parking agreement. .

The neighborhood area is going through a revitalization in which these old structures are either remodeled or demolished and properties are built, for accessibility to the Hallandale's roadway system and community needs.

2. That the special condition and circumstances do not result from the action of the applicant.

The property was originally built with this one way entrance drive from Hallandale Beach Boulevard to the larger rear parking areas. The parking reduction or the landscape buffer reduction, will not adversely affect the surrounding area due to the cross parking agreement. Presently the drive is a one way drive with adjacent parallel parking spaces.

The parallel parking spaces will be removed and the area re-striped to two-way traffic along the west side of the existing building. This is the need for the side set back requirement.

3. That granting the variance requested will not confer on the applicant any privilege that is denied by the Code to other lands, buildings, or structures in the same district.

The parking space reduction or the landscape buffer reduction, will not confer any privilege, due to the cross parking agreement. The property side set back for landscape buffer will not adversely affect the site.

The variance will not allow others to provide less parking spaces, or side setback for landscaping. Again this area is going through revitalization, and any and all improvements are enhancing the area. These property owners of the importance are encouraged for the redevelopment of the busy corridor for the property.

4. The literal interpretation of the provisions of the Code would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district under the terms of the Code, and would work unnecessary and undue hardship on the applicant.

The Code requirement would unnecessarily make the applicant use the property as a regular restaurant. The patrons of the restaurant enjoy the out-door seats the most and the owner as tried to fulfill the needs of the community.

The hardship is that not offering what the public wants will end up with another vacant property that is not used properly for the community needs. The patrons had dictated the needs of these variances. The property is surrounded by other restaurants, and the competition is great.

5. That the variance granted is in the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variance granted is the minimum that could be allowed for the use of this property. Again the property is an existing parcel built many years ago. The improvements to the property will enhance the surrounding areas.

6. That the granting of the variance will be in harmony with the general intent and purpose of the Code.

Granting the variance for the parking reduction, and side setback for landscaping buffer will provide a pleasant looking parcel that is being improved and will provide a much better appearance for the neighborhood and property.

7. That such variance will not be injurious to the area or otherwise detrimental to the public welfare.

The variances will not harm any of the adjacent properties and the City overall , but by the new construction provides a better improved property for the neighborhood, as compared to the surrounding properties and also retains the look of the property.

If you have any questions, please feel free to contact this office.

Very Truly Yours,
Charles O. Buckalew
Consulting Engineering Services, Inc.



Charles O. Buckalew
President Florida Reg. No 24842